



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

July 27, 2006

FOIA 2006-1884

The Honorable George Miller
Senior Democratic Member
Committee on Education and the Workforce
U.S. House of Representatives
2101 Rayburn House Office Building
Washington, DC 20515-6100

Re: Pension Reform Analysis

Dear Congressman Miller:

This is in response to your Freedom of Information Act (FOIA) request dated July 25, 2006, for any additional funding analysis compiled by the PBGC relating directly or indirectly to the pension bills pending in conference, including any correspondence, e-mails, or other related communications compiled since PBGC's response to you on July 17, 2006.

Pursuant to your request, a review of agency records has been conducted for any funding analysis completed in July. Our search has identified three documents that appear to fall within the scope of your request. All three documents are e-mails. After review of these documents, I have determined that all three documents will be withheld in their entirety. I am relying upon one exemption of the FOIA to withhold the three e-mail documents.

The applicable exemption, 5 U.S.C. § 552(b)(5), deals with internal documents: inter-agency or intra-agency memoranda or letters consisting of judgments, opinions, advice or recommendations which would not be available by law to a party other than an agency in litigation with the Pension Benefit Guaranty Corporation (PBGC) and as such are not required to be disclosed under 5 U.S.C. § 552(b)(5). I believe the disclosure of this material would not further the public interest at this time and would impede the operations of the PBGC.

The Honorable George Miller

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PBGC's regulation on the examination and copying of records provides at 29 C.F.R. § 4901.15, that "an applicant whose request for a record or portion thereof has been denied may file an appeal within 30 days from the date of the denial," or, as in this case (partial denial)," within 30 days of the date you receive the disclosable material." Your appeal should be in writing and should state the grounds for an appeal, including any supporting statements or arguments. Please address your appeal to the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW, Washington, DC 20005. To expedite processing, each appeal should clearly indicate on the envelope and on the document the following: FOIA Appeal.

All fees associated with your request have been waived.

Sincerely,

A handwritten signature in black ink, reading "E. William FitzGerald". The signature is fluid and cursive, with the first name "E." and last name "FitzGerald" clearly legible.

E. William FitzGerald
Disclosure Officer